



B.C.'s Prosecution Service

Criminal Justice Branch

ANNUAL REPORT 2010/2011





B.C.'s Prosecution Service





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MESSAGE FROM THE ASSISTANT DEPUTY ATTORNEY GENERAL

It is my pleasure to present the Annual Report of B.C.'s Prosecution Service – the Criminal Justice Branch of the Ministry of Attorney General – for the fiscal year 2010/2011.

The report lists a selection of significant cases by region in 2010/2011. Financial and management information gives a quantitative portrait of our operations in 2010/2011. The report also highlights the remarkable range of achievements of prosecution service members over the reporting period.



The major theme for this period is our effort to continue delivering a principled, impartial and fair prosecution service even as we face financial challenges. For this reason, we launched an initiative in 2010/2011 called “Shaping the Branch for the Future” in consultation with all Branch staff to find every possible efficiency in our operations consistent with principled decision-making and the rule of law. Because the heart of the prosecution service is its highly-skilled, dedicated legal and administrative professionals, a special focus of the initiative is to ensure the prosecution service workload is sustainable – especially important in this era of a high volume of complex cases and the demographics of an aging workforce. Our annual report’s smaller size this year is just one small cost-effective example of using our resources to best effect.

The prosecution service’s role in the justice system usually begins when we receive Reports to Crown Counsel (RCCs) from investigative agencies like the police. The RCCs contain information gathered during investigations of crimes. In 2010/2011 we received 74,920 RCCs, within the range of the last decade but down slightly from the same period last year, mostly as a result of fewer impaired-driving-related RCCs after introduction of the Immediate Roadside Prohibition program in September 2010. Our turn-around time for assessing whether criminal charges should be laid for all types of RCCs remained rapid: 57% were completed within one day and 93% within 30 days.



MESSAGE FROM THE ASSISTANT DEPUTY ATTORNEY GENERAL

One example of our Shaping the Branch for the Future initiative was an expansion of alternative measures. Alternative measures are an option the *Criminal Code* states prosecutors can recommend for accused persons for certain lower risk offences where the alternative measure is likely to have the same result as going through the court system. Prosecutors have recommended this option for many years. We revised our Alternative Measures policy in Fall 2010 and launched pilot projects in conjunction with the BC Corrections Branch to give prosecutors better risk assessment information as soon as possible in the charge assessment process. Early results show promise for greater use of this principled justice approach.

New best practices for very big cases is another example under our initiative. We have seen an increase in complex major crime cases in recent years. They have significant management challenges and we are finding new ways to ensure they are handled effectively.

B.C.'s Prosecution Service plays a key role in the justice system and our democracy. With its independence enshrined in law, the Criminal Justice Branch's prosecutors conduct charge assessments, trials and appeals fairly, impartially and efficiently throughout the province. Legal and administrative Branch members every day demonstrate an enduring commitment to justice. We are proud of the service we are privileged to offer to British Columbians.

Robert W.G. Gillen, Q.C.
Assistant Deputy Attorney General





ACHIEVEMENTS IN 2010/2011

Appointments

Joyce DeWitt-Van Oosten, Q.C., Criminal Appeals and Special Prosecutions' Deputy Director for Prosecution Support and Professional Development, was appointed a Queen's Counsel in 2010.

Peter Juk, Q.C., Victoria Crown Counsel, was appointed a Queen's Counsel in 2010. Peter was also appointed Regional Crown Counsel for Vancouver Island/Powell River Region.



Crown Counsel Appointed to the Bench

Roy Dickey, Kamloops Crown Counsel, was appointed to the British Columbia Provincial Court, South Fraser District.

Sheri Mark, Deputy Regional Crown Counsel for Kamloops, was appointed to the British Columbia Provincial Court, Kamloops District.

Jennifer Power, Q.C., Regional Crown Counsel for Vancouver Island Region, was appointed a Justice of the Supreme Court of British Columbia in Nanaimo.

Awards and Recognition

Anne Baines, Administrative Crown Counsel for Prince George, was recognized at the 2010 Crown Counsel Conference for leadership and excellence.

Joe Bellows, Q.C., Criminal Appeals and Special Prosecutions Crown Counsel, was recognized at the 2010 Crown Counsel Conference for leadership and excellence.

Roger Cutler, Headquarters Crown Counsel, was recognized at the 2010 Crown Counsel Conference for leadership and excellence.

Leona Cole, Legal Assistant with the Kamloops Crown Counsel office, was recognized for 25 years of service.



ACHIEVEMENTS IN 2010/2011



The **Criminal Appeals and Special Prosecutions** unit was designated one of the “10 Best Places to Work” in the BC Public Service.

Lynal Doerksen, Administrative Crown Counsel for Cranbrook, was recognized at the 2010 Crown Counsel Conference for leadership and excellence.

Joyce DeWitt-Van Oosten, Q.C., Criminal Appeals and Special Prosecutions Deputy Director for Prosecution Support and Professional Development, received the 2010 *Ministry of Attorney General Exemplary Service Award* that recognizes “a member of the ministry who has created a more systematic or streamlined approach in her/his work, producing substantial benefits to the ministry and/or the public”.

Greg Fitch, Q.C. Criminal Appeals and Special Prosecutions Director received the 2010 *Neil McDiarmid, Q.C. Commitment to Justice Award*, which recognizes a Criminal Justice Branch member “who has contributed to the practice of law by providing exceptional service within the ministry, the profession and/or the community”.

Carol Hawes, Kamloops Crown Counsel, was recognized for 30 years of service.

Lyle Hillaby, New Westminster Crown Counsel, was recognized at the 2010 Crown Counsel Conference for leadership and excellence.

Keith Kinash, Surrey Crown Counsel, was recognized at the 2010 Crown Counsel Conference for leadership and excellence.

Peter Insley, Headquarters Crown Counsel and Information Access and Privacy Coordinator, was recognized for 35 years of service.

Julie Lofting, Legal Assistant with the Victoria Crown Counsel office, was recognized for 30 years of service.

Janet MacKenzie, Legal Assistant with Headquarters, was recognized for 30 years of service.



ACHIEVEMENTS IN 2010/2011

Nicola Mahaffy, Vancouver Crown Counsel, received a Certificate of Merit from the International Association of Prosecutors for creating the IAP's Prosecutor's Exchange Program (PEP).

Maura McGivern, Crown Counsel for the Vancouver Region, was recognized at the 2010 Crown Counsel Conference for leadership and excellence.

Jennifer Oulton, Crown Counsel for the Vancouver Region, was recognized at the 2010 Crown Counsel Conference for leadership and excellence.

Marion Paruk, Deputy Regional Crown Counsel for the Vancouver Region, was recognized for 30 years of service.

Kim Phillips, Office Manager for the Fort St. John Crown Counsel office, was recognized for 25 years of service.

Carl Prophet, Special Advisor to the Assistant Deputy Attorney General, was nominated for the 2010 Premier's Award in the new "Emerging Leader" category.



Brenda Rathjen, District Administrator for New Westminster Crown Counsel office, was recognized for 30 years of service.

Henry Reiner, Q.C., Crown Counsel for the Vancouver Region, was recognized for leadership and excellence at the 2010 Crown Counsel Conference.

Carmen Rogers, Victoria Crown Counsel, was recognized at the 2010 Crown Counsel Conference for leadership and excellence.

Winston Sayson, Surrey Crown Counsel, was awarded the 2010 *Police Victim Services of B.C.'s Criminal Justice System Leadership Award*.

Wendy Van Tongeren Harvey, New Westminster Crown Counsel, was recognized for 30 years of service.

Elizabeth Wolfram, Criminal Appeals and Special Prosecutions Crown Counsel, was recognized for 30 years of service.



ACHIEVEMENTS IN 2010/2011

Publications

Victoria Crown Counsel **Dan Scanlan's** book, "Digital Evidence in Criminal Law", was published by Canada Law Book, a division of Thomson Reuters.

Retirements

Suzanne Buller, Legal Assistant, retired after 20 years of service with the Northern Region.

Richard Cairns, Q.C., Vancouver Crown Counsel, retired after 35 years as a prosecutor.



Gregg Goodfellow, Chilliwack Crown Counsel, retired after 27 years as a prosecutor.

Ron Hurt, Manager of the High Risk Offender Identification Program, retired after 15 years of service.

Derrill Prevett, Q.C., Nanaimo Crown Counsel, retired after 33 years as a prosecutor.

Greg Weber, Q.C., Vancouver Crown Counsel, retired after more than 35 years as a prosecutor.

Beyond the Call of Duty: Public Outreach by Criminal Justice Branch Members

Val Belina, Legal Assistant, and **Karen Jacob**, Financial Administrator for the Vancouver Region, led a campaign to support the B.C. Children's Hospital through Jeans Day buttons and lapel pins.

"**Crown Bosom Buddies**," a team made up of Surrey Crown Counsel, joined the 2010 CIBC Run for the Cure and raised \$3,500 for the Canadian Breast Cancer Foundation. **Jas Gahunia** was captain of the team.





ACHIEVEMENTS IN 2010/2011

Anne Dubberley, Vancouver Crown Counsel, conducted training sessions for police officers on impaired driving offences. Anne is also a member of the Impaired Drivers and Hospital Reporting Working Group that works on developing best practices for impaired investigations in a hospital emergency room.

Ron Edwards, Vancouver Crown Counsel, participated in the annual Ride to Conquer Cancer, biking from Vancouver to Seattle to raise funds for local cancer research.

Craig Giles, Alexander Burton and Jay Fogel, Vancouver and Port Coquitlam Crown Counsel, participated in Movember Canada and raised \$1,579 to promote awareness of prostate cancer and men's health.

Nils Jensen, Victoria Crown Counsel, joined "Walk a Mile in Her Shoes," a campaign sponsored by the Victoria Women's Sexual Assault Centre to raise funds for the prevention of violence against women.

Ellen Leno, Vancouver Crown Counsel, conducted training sessions for police officers on impaired driving offences.



The **222 Main Street Crown Counsel office** participated in Vancouver Coastal Health's annual Sox in the City drive and raised \$2,618.47 in cash in support of the local Food Bank.

Joanna Medjuck, Richmond Crown Counsel, cycled 106 kilometers to help raise funds for the Multiple Sclerosis Society.

Megan Street, Vancouver Crown Counsel, ran the 10,000 kilometer Joints in Motion run to help raise funds for the BC/Yukon Chapter of the Arthritis Society.

The **Surrey Crown Counsel office** purchased gifts for needy families in Surrey that were distributed by the Surrey Christmas Bureau.

Victoria HQ staff held fundraising events for families at Christmas and the Heart and Stroke Foundation, collected coats for the Victoria Cool Aid Society's Winter Coat drive, and participated in the Provincial Employees Community Services Fund like their colleagues throughout the province.



SIGNIFICANT CASES: VANCOUVER ISLAND – POWELL RIVER REGION

R. v. Arrieta, in which Mark Anthony Arrieta received an adult life sentence for the murder of Philbert Truong outside a nightclub in Victoria in 2008. Arrieta, who is 18, will remain in a youth correctional facility until he turns 20.

R. v. Bosch, in which Stephen John Bosch was sentenced to nine years in prison after pleading guilty to manslaughter in the beating death in 2008 of Mark Hanly, a homeless person.

R. v. Titchener, in which Richard Titchener was sentenced to 36 months in prison for sexually assaulting a hearing-impaired woman in March 2009.

R. v. Cox, in which John William Cox was sentenced to 30 months in prison followed by three years' probation after pleading guilty to three counts of sexual touching, one count of invitation to sexual touching, computer luring, possession of child pornography and failing to appear. He had been extradited from England where he fled after being charged.

R. v. Zoraik, in which Malcolm Hassan Zoraik, a lawyer, received a conditional 18-month jail sentence after being found guilty of public mischief and writing a letter that alleged jury tampering.

R. v. Connors, in which Brent Malcolm Connors was sentenced to six months in jail, less one month for time served, after pleading guilty to causing unnecessary pain and suffering to an animal in the beating death of a 12-week old pit bull. He also received two years' probation following the jail sentence and a 10-year prohibition from owning animals.

R. v. Ballendine, in which Kenneth Dale Ballendine was sentenced to five months in prison after being convicted of accessing and possessing child pornography. He also received 30 months' probation.

R. v. Ruffolo, in which Ruby Ann Ruffolo was found guilty of first degree murder in the death of her husband, John Ruffolo, on October 19, 2003, and sentenced to life in prison with no chance of parole for 25 years. Ruffolo is appealing her conviction.





SIGNIFICANT CASES: VANCOUVER REGION

R. v. Kembo, in which Charles Kembo was sentenced to life in prison with no parole eligibility for 25 years after being found guilty of first-degree murder in the deaths of Margaret Kembo, Sui Yin Ma, Ardon Samuel, and Rita Yeung.

R. v. Wall, in which Matthew Ryan Wall was sentenced to 14 years in prison less credit for time served after pleading guilty in a second trial to manslaughter. Wall had shot and killed Earl Seymour in 2008 as Seymour sat in a parked van in downtown Vancouver.

R. v. Klassen, in which Kenneth Klassen was sentenced to 11 years in prison for one count of possession of child pornography and 14 counts of sexually interfering with pre-pubescent girls in Cambodia and Colombia. He also has a lifelong prohibition from going to playgrounds, school grounds or parks and a 10-year weapons prohibition after his release, and must provide a DNA sample for Canada's sex offender registry.

R. v. Butler, in which Dillan Butler was sentenced to six years in prison less time served for the stabbing death of 15-year old Deward Ponte in East Vancouver. Butler was 18 at the time of the offence.

R. v. Woodward, in which Shawn Woodward was sentenced to six years in prison after being found guilty of aggravated assault in an attack against Ritch Dowrey at a Vancouver gay bar. Woodward appealed from his sentence but the appeal was dismissed.

R. v. Aimee, in which Jesse James Aimee was sentenced to four years in prison less time served in custody awaiting trial after being found guilty of sexual assault, sexual touching, invitation to sexual touching and Internet luring of three minors between 2006 and 2008.

R. v. Kandola, in which Michael Kandola was sentenced to 17 months less time served after pleading guilty to assault causing bodily harm against Jordan Smith. Hatred of the victim's sexual orientation was an aggravating factor in the offence considered in sentencing. Kandola was also given one year probation and 50 hours of community service, ordered to give a DNA sample and to stay out of the West End.





SIGNIFICANT CASES: FRASER REGION

R. v. Panghali, in which Mukhtiar Panghali was sentenced to life in prison with no parole for 15 years after being convicted of second-degree murder and interfering with bodily remains in the death of his wife, Manjit.

R. v. Butorac, in which Davey Butorac was sentenced to life in prison with no chance of parole for 23 years after being convicted of murdering two sex-trade workers over a five-month period in 2007.

R. v. Singh, in which Mahendra Singh was sentenced to life in prison with no chance of parole for 17 years after pleading guilty to two counts of second-degree murder and one of attempted murder. In 2009 Singh shot and killed 17-year-old Amarjit Gill and his 15-year-old brother Ranjit and injured the boys' mother, Sukhwinder, making an audio recording of the attacks.

R. v. J.V.H., in which J.V.H. was sentenced to 13 ½ years in prison minus time served after pleading guilty to 11 charges including incest, sexual assault, sexual exploitation, sexual interference, invitation to sexual touching and making, possessing and distributing child pornography. All seven victims were less than 10 years old and included the accused's three daughters.

R. v. McKenzie, in which Kelly David McKenzie was sentenced to nine years in prison less time served in custody after pleading guilty to manslaughter in the death of Melissa Chatham, who was killed at McKenzie's home in 2008. McKenzie's nine-year old son was in the house during the incident.

R. v. Mossing, in which Chad Mossing was sentenced to seven years in prison after pleading guilty to 11 of 22 sexual offences. Mossing, a volunteer for a church and several youth groups, admitted to abusing eight children under the age of 16 over a 10-year period in several communities.

R. v. Greenhalgh, in which former Canada Border Services Agency agent Daniel Greenhalgh was sentenced to two years less a day in prison and three years' probation after being found guilty of three counts of sexual assault and breach of public trust. Greenhalgh had sexually assaulted three women while he was on duty at the Douglas crossing into the United States, south of Vancouver.





SIGNIFICANT CASES: INTERIOR REGION

R. v. Weisbrodt, in which Jonathon Christopher Weisbrodt was sentenced to life imprisonment with no eligibility for parole for 10 years after pleading guilty to second-degree murder in the shooting death of 23-year-old Bryan Allan Harvey. Weisbrodt was also ordered to provide police with a DNA sample and is prohibited from possessing any firearms for 10 years after his release.

R. v. V., in which V., a 17-year-old boy, was sentenced as an adult to ten years in prison minus time served for breaking and entering, robbery, and the unlawful confinement and sexual assault of a senior citizen in East Trail. He also received a long-term offender designation. The crimes were committed when V. was 14 years old.

R. v. Hurst, in which David Glen Hurst was sentenced to seven years in prison for setting a fire behind the Kamloops courthouse in 2009, the latest in a string of arsons stretching back at least 20 years. He was also designated a long-term offender and subject to supervision for 10 years. Hurst is a repeat offender with 73 criminal convictions.

R. v. Stephens, in which Tyler Stephens was sentenced to 61 months in prison after pleading guilty to six counts of sexual assault and three counts of sexual assault causing bodily harm. Stephens attacked 10 women on 11 different occasions between May and October 2007. He was also designated a long-term offender and will spend 10 years under court imposed supervision.

R. v. Martin, in which Zachary Martin was sentenced to three years in prison after pleading guilty to 16 of 20 break-and-enter charges. Over a nine-month period, Martin and co-accused Cameron McElroy robbed businesses across British Columbia, Saskatchewan and Manitoba of \$3-million worth of jewelry, cigarettes, electronics and cash. McElroy also pleaded guilty and was given a conditional sentence in addition to his nine months of time served.

R. v. Noyes, in which Kimberly Noyes was found not criminally responsible because of a mental disorder in the slaying of John Fulton, a 12-year-old autistic boy in Grand Forks, B.C. Noyes was sent for psychiatric evaluation and is being held in custody at a forensic psychiatric hospital.





SIGNIFICANT CASES: NORTHERN REGION

R. v. Ratte, in which Denis Ratte was sentenced to life in prison for the murder of his wife, Wendy Ratte. Wendy Ratte had disappeared while shopping in downtown Prince George in August 1997 and her remains were never found. The case remained unsolved for more than a decade. Ratte was charged in 2008.

R. v. Wright, in which Scott Aaron Wright was given a mandatory life sentence for second degree murder in the death of Floyd Mowatt Jr. in 2008. Mowatt Jr. was found stabbed in Gitanmaax, a First Nations community adjacent to the village of Hazelton. Wright was also sentenced to an additional six months for aggravated assault.

R. v. Fowlie, in which Joseph Fowlie was sentenced to ten years in prison for the kidnapping and aggravated sexual assault of a 62-year-old Prince George woman.

R. v. Couture, in which David Raymond Couture was sentenced to 18-months probation after being found guilty of one count of invitation to sexual touching. Couture had approached and sexually propositioned a 14-year-old girl.

R. v. Beggs, in which Phillip Gordon Beggs was sentenced to 297 days in prison minus time served for sexual assault and sexual exploitation of a person with a disability. Beggs was employed as a caregiver at a group home in Terrace at the time of the offences.

R. v. McNeice, in which Kelly McNeice, a former principal of R.L. Angus Elementary School, was sentenced to five months in prison for accessing child pornography.





SIGNIFICANT CASES: CRIMINAL APPEALS AND SPECIAL PROSECUTIONS

R. v. Vu, in which Crown appealed against the acquittal, following a trial by judge alone, of Sam Vu on one count of kidnapping Graham McMynn between April 4 and 12, 2006. The Court upheld the conviction, ruling that it was not necessary for Mr. Vu, himself, to actually seize Mr. McMynn, or to move him from house to house, to be found guilty as a party to kidnapping. Mr. Vu's cross-appeal against his conviction on an unlawful confinement charge was dismissed.

R. v. Titchener, in which the British Columbia Court of Appeal accepted the Crown's appeal of an order exempting Titchener from registration as a sex offender under the *Sex Offender Information Registration Act*. Titchener was convicted in 2008 of five counts of sexual assault against women during chiropractic treatment and given a 12-month conditional sentence followed by 12 months' probation.

R. v. Thow, in which the British Columbia Court of Appeal dismissed Thow's appeal to have his nine-year prison sentence reduced. Thow pleaded guilty in March 2010 to 20 counts of fraud over \$5,000. Thow was also ordered to pay restitution of \$3.9 million and submit a DNA sample.

R. v. Krawczyk, in which Betty Krawczyk appealed her sentence of 10 months' imprisonment imposed on March 5, 2007, for contempt of court. She was convicted of criminal contempt for breaching an injunction on three occasions. The appeal was dismissed.

R. v. Tickell, in which Tickell appealed a six-year custodial sentence imposed in Provincial Court on 1 June 2009, following his guilty plea to three offences: fraud, breach of trust, and forgery. Tickell, through a series of misrepresentations, had obtained employment with the Public Guardian and Trustee's Office and stole the assets of a number of vulnerable wards. The appeal was dismissed.

R. v. Jojic, in which Dragan Jojic appealed his conviction for the second degree murder of Michael Taliano on the ground that the trial judge failed to declare a mistrial following the discharge of a juror during the trial. The appeal was dismissed.



The United States of America v. Wakeling, in which Wakeling argued that s.193(2)(e) of the *Criminal Code* that allows police to disclose wiretap intercepts to investigators and prosecutors in a foreign state is inconsistent with ss. 7 and 8 of the *Canadian Charter of Rights and Freedoms*. The Court ruled that such transmission did not constitute an unreasonable search or seizure and did not breach the Charter. The Attorney General of British Columbia had intervenor status.



CJB HIGHLIGHTS: HEADQUARTERS

Headquarters provides:

- Legal and administrative support for the Assistant Deputy Attorney General.
- Corporate services for the Criminal Justice Branch, such as strategic planning, financial administration, security and technology assistance, personnel services, data analysis, and communications.
- Legal services for the Branch, including policy and legislation and advice in specific areas of law and legal operations.
- Major initiative and project leadership including:



Shaping the Branch for the Future Initiative

- To seek every possible efficiency in Branch operations consistent with principled justice decision-making and a sustainable prosecution service

Alternative Measures

- Pilot projects with the B.C. Corrections Branch to provide risk assessments to prosecutors early in the charge assessment period about possible low-risk candidates for whom alternative measures would be more appropriate than the court system where the same results as a court process can be achieved

Major Criminal Case Management

- Best practices for managing all aspects of major criminal cases

Innovation in Staff Support

- New career paths for administrative staff, to provide cost-effective expertise in legal processes and new positions such as the growth paralegal

Information Management and Technology

- Legal research and professional development electronic tools
- New management information tools for informed decision-making and accountability
- Technology projects to redesign how case disclosure is delivered to defence counsel and accused persons, and how police provide investigative information to prosecutors

Diversity

- Diversity project to ensure the prosecution service reflects the community it serves

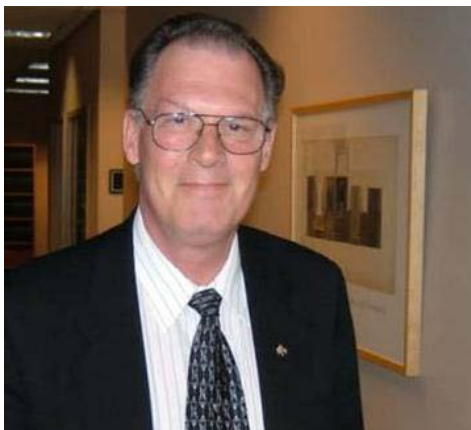


IN MEMORIAM



Catherine (“Cathie”) Elizabeth Grant, senior Crown Counsel in the New Westminster Crown Office, passed away on July 19, 2010. Cathie served with the Criminal Justice Branch for 17 years. She is survived by her children Ben, Jake, and Jenna, her brothers Chris (Carmen) and Dan (Vicki), sister Mary (Rick), brother-in-law Wally (Cathy), father-in-law Fred, and several nieces and nephews. She was 57 years old.

Neil Armand McDiarmid, Q.C., the first Assistant Deputy Attorney General of the Criminal Justice Branch, passed away on November 26, 2010. Neil served the Branch at its founding in 1974 as Director, Criminal Law, a position he had held since 1967. He was appointed Assistant Deputy Attorney General in 1978. Neil retired in 1981. In recognition of his pioneering role, in 2008 the Ministry of Attorney General introduced the “Neil McDiarmid, Q.C. Commitment to Justice Award”, given each year to a member of the Criminal Justice Branch “who has contributed to the practice of law by providing exceptional service within the Branch, within the profession and/or within the community.” He was 89 years old.



Robert (“Bob”) Donald McIntosh, Crown Counsel with the New Westminster and Surrey Crown Counsel offices, passed away on February 16, 2011. Bob served 16 years with the Criminal Justice Branch. He is survived by his wife Arleen Dauncey-McIntosh, his stepson Shawn, step-daughter Andrea and sons Bruce (Kathleen) and Warren (Pam), daughter Lorraine (Emery) Cressman and grandchildren Curtis, Russell, Gavin and Jules. He was 68 years old.



BRANCH STATISTICS: NEW PROSECUTIONS

When a crime is reported to an investigative agency like the police, or the agency itself identifies a possible crime, the agency investigates and sends a Report to Crown Counsel (RCC). Prosecutors then assess whether charges should be laid according to the Branch's charge approval standard: whether there is substantial likelihood of conviction and whether it is in the public interest to prosecute.

REPORTS TO CROWN COUNSEL RECEIVED				
	2008/2009*	2009/2010*	2010/2011	% Change 2009/2010 to 2010/2011
Total RCCs	75,425	79,085	74,920	-5.27%
Adults accused	73,286	76,980	73,353	-4.71%
Youths accused	7,182	7,187	6,315	-12.13%
Youths % of total	8.9%	8.5%	7.9%	-7.41%

For year-to-year comparisons, the Criminal Justice Branch captures its Annual Report statistics on June 1st of each year following the fiscal year end.

REPORTS TO CROWN COUNSEL RECEIVED BY REGION			
	2009/2010	2010/2011	% of Total – 2010/2011
Criminal Justice Branch Total	79,085	74,920	100.00%
Vancouver Island – Powell River	16,007	14,827	19.79%
Vancouver	18,154	18,216	24.31%
Fraser	19,327	18,544	24.75%
Interior	13,577	12,469	16.64%
Northern	11,508	10,633	14.19%
CASP and Headquarters*	512	231	0.31%

* The 2008/2009 and 2009/2010 totals reflect some manual double counting of Criminal Appeals and Special Prosecution files, plus counts from the JUSTIN database. The 2010/2011 total reflects counting files from the JUSTIN database only (no manual counting included).



BRANCH STATISTICS: CHARGE ASSESSMENT

By ensuring only appropriate charges for which there is strong solid evidence proceed to court, BC's prosecutorial charge assessment provides a consistent standard across the province, guards against wrongful conviction and damaging reputations and is cost-effective.

CHARGE ASSESSMENT DECISIONS PER PERSON IN 2010/2011					
	Approved to Court	Alternative Measures	No Charge	Returned to Agency	Total Charge Assessments
Total charge decisions	65,985	2,005	9,421	2,257	79,668
Charge decisions involving accused adults	61,105	1,604	8,577	2,067	73,353
Charge decisions involving accused youths	4,880	401	844	190	6,315

To guard against delay in the criminal justice process, prosecutors conduct their charge assessments as quickly as possible consistent with thorough analysis and principled decision-making. Charge assessment for complex cases can take longer.

ELAPSED TIME TO CHARGE ASSESSMENT DECISION		
	% Complete by Day	Cumulative % Complete
Same day	47%	47%
Day 1 <small>(Represents the first full working day after the Report to Crown Counsel is received.)</small>	9%	57%
Day 2	4%	61%
Day 3	4%	65%
Day 4	3%	68%
Day 5	3%	71%
Day 6	3%	74%
Day 7	3%	76%
Days 8-15	10%	86%
Days 16-30	7%	93%



BRANCH STATISTICS: CONCLUDED PROSECUTIONS

If an accused person pleads guilty or is convicted, prosecutors are responsible for recommending appropriate sentences. The final sentencing decision is made by the judge. Each accused person is considered to be “concluded” when a final court decision has been reached.

CONCLUDED PERSONS PER FISCAL YEAR					
	2007/2008	2008/2009	2009/2010	2010/2011	% Change from 2009/2010
Total concluded persons	66,479	63,293	67,020	71,251	6.31%
Adult	60,416	57,513	61,414	65,508	6.67%
Youth	6,063	5,780	5,606	5,743	2.44%

FINDINGS FOR CONCLUDED PERSONS IN 2010/2011						
	Not Guilty ¹	Stayed ²	Guilty ³	Peace Bonds	Other ⁴	Total Concluded
Concluded	1,804	18,708	45,145	5,371	223	71,251
Percentage	2.53%	26.26%	63.36%	7.54%	0.31%	100.00%

¹ Not Guilty to all counts on the information or indictment.

² Stayed all counts on the information or indictment. A “stay” means the charge laid did not proceed. For example, prosecutors often stay some charges against an accused and proceed with others or stay charges when the evidence for a charge no longer meets the charge assessment standard.

³ Guilty (includes guilty to lesser or included charges) indicates the person either pled or was found guilty on one or more counts.

⁴ Other includes abated (where the accused person died) and unfit to stand trial.



BRANCH STATISTICS: BUDGET AND EXPENSES

In 2010-2011, the Criminal Justice Branch began preparing for an anticipated budget reduction in 2011/12 (\$5.7M) by not replacing staff leaving the branch. This, along with restricted spending, resulted in expenses that were less in 2010/2011 than had originally been budgeted for, as illustrated below.

BUDGET AND EXPENSES	
Budget	\$ 112,600,000
Expenses	\$ 111,562,000
Budget variance	\$ 1,038,000

Note: Expenditure amounts are rounded to the nearest thousand, as reported in Public Accounts.

